

TECHNICAL SERVICES PROCUREMENT TASK ORDER

The Technical Services Procurement (TSP) is a statewide procurement resulting in the award of multiple contracts by the Department of Budget and Management-Office of Information Technology (DBM-OIT) to a variety of information technology providers. Through these TSP contracts, Maryland has a flexible means of obtaining information technology (IT) resources quickly, efficiently and in a cost effective manner through the issuance of Master Tasks or Task Orders specific to its IT needs. It is the Department of Health and Mental Hygiene's (DHMH) policy that procuring units use the TSP for all information technology services procurements. The only exceptions are approved Sole Source procurements or situations where the cost of the TSP vendor's response exceeds the amount budgeted by the procuring unit.

There are eight functional areas under the TSP:

- a. Enterprise Service Provider,
- b. Electronic Commerce/Electronic Data Interchange Support,
- c. Electronic Document Management,
- d. Geographical Information System (GIS),
- e. Software Engineering,
- f. Systems/Facilities Management and Maintenance,
- g. Information System Security Support Services, and
- h. Application Service Provider.

Three to five contracts have been awarded for each functional area.

A Task Order Request for Proposal (TORFP) will include the following components:

- a. Information concerning proposal submission requirements including date, time, and place for receipt of proposals;
- b. The evaluation factors and an indication of the relative value of each factor including price;
- c. A work statement or scope of services statement, performance schedule, and any specific instructions or requirements;
- d. A statement regarding possible discussions;
- e. A requirement that receipt of any amendments to the TORFP is acknowledged by offerors.
- f. All required forms completed (i.e. Minority Business Enterprise (MBE) and Economic Benefit.).

Public Notice

The TORFP is sent to all TSP contractors within the requested functional area. Contractors receiving the TORFP must respond within a minimum of 21 days unless additional time is allowed.

Pre-Proposal Conference

A pre-proposal conference is optional and can be held at least two weeks prior to the proposal due date to review the TORFP with TSP offerors and to provide an opportunity to ask questions or possibly suggest changes in the TORFP. Attendance is encouraged but is not mandatory. A written record must be prepared and distributed to everyone known to have received a copy of the TORFP.

Evaluation

Proposals are not opened publicly, but rather in the presence of at least two (2) State employees. At that time, a register of proposals shall be created listing the offerors by name, city and state. After the register of proposals is created, the technical proposals will be distributed to an evaluation team, whose identity will not be disclosed. Technical proposals are then evaluated according to the evaluation criteria set forth within the TORFP. Offerors' whose proposals are determined to be not reasonably susceptible for award will be so notified by DBM-OIT.

Discussions

Discussions are held with all "qualified offerors" to:

- a. Assure that offerors fully understand the requirements of the TORFP and the Team fully understands the qualified offerors proposals and their ability to perform as needed.
- b. Give offerors an opportunity to remedy deficiencies in their proposal or to strengthen proposals that are already adequate but could be made better.
- c. Obtain the best price for the State or otherwise arrive at a contract that is most advantageous to the State in terms of the technical and financial aspects of the TORFP.

The State's objective in holding discussions is to obtain the absolute best service feasible at the lowest possible price.

Best and Final Offers

When deemed appropriate, qualified offerors may then be permitted to revise their initial proposals – either technical, or financial, or both -- and submit what is called a Best and Final offer (BAFO). Invitation requests for Best and Final offers are sent under the signature of the Procurement Officer and contain instructions regarding the type of proposal that may be amended, the due date and time for the BAFO, and the fact that offerors may elect not to amend their original proposal.

Award

Once a recommendation for award is made, a Task Order Agreement (TOA) is completed and signed by the unit and the vendor. The TOA, Contract Management Plan, Project Management Plan, MBE forms and the evaluation summary are forwarded to DBM. The Contract Management Plan is prepared by the unit to detail how it plans to track the milestones and deliverables. A requisition is then forwarded to DBM OIT who in turn will cut a Purchase Order (PO) to the winning vendor. DBM OIT will also notify the vendors who were not selected for award.

Debriefing

Under the TSP, unsuccessful offerors have the right to be debriefed. A request for debriefing must be made in writing to the procurement officer within a reasonable period of time after notification of non-recommendation for award. Debriefings must be conducted in accordance with COMAR 21.05.03.06. Usually, the procurement officer and Team Leader conduct the debriefing, however, any Team member may substitute for either. A debriefing may be conducted in person or by teleconference; whichever is the preference of the offeror.

Protests and Appeals

Vendors awarded a TSP contract, and thus able to respond to a TORFP, have, as a condition of contract award, agreed to waive their rights to protest an award. It follows then, that they also waive their appeal rights.

Service Level Agreements

A recent addition to the information technology contract is the Service Level Agreement (SLA). Simply stated, a SLA identifies certain levels of service or performance standards that the IT contractor must meet or exceed. As a rule, the SLA is a separate appendix to the IT contract. It would, for instance, be an addendum to a Task Order contract obtained through the TSP.

A good SLA will usually include a section that provides precise definitions of key terms. Specific service levels will be described in various categories, i.e., host Central Processing Unit (CPU) availability, CPU response times, batch job completion, help desk responsiveness, etc. Usually service level compliance is measured in terms of a number of units per month that a percentage or length of time was or was not met or exceeded. Other means for measuring services levels are “increased impact” and “frequency factor.” These measure levels such as:

- a. a level below the agreed upon threshold at which point the procuring unit suffers an “increased impact” and can apply a substantially higher service credit to the contract,
or
- b. a factor that measures the number of times a particular service level was missed during a specified interval, such as a rolling 12-month period.

Often the parties identify a subset of the key service levels that are “critical.” Another clause often found in most SLAs is one that delineates the allowable reasons for non-performance or a delay in performance, often called a “Force Majeure” clause. This clause is contained in all standard DHMH contracts as a mandatory clause but may be repeated at the contractors request in the SLA, particularly as it applies to the service levels and credits associated with non-performance.

Service Level Agreements are drafted by the State and are written in a spirit of mutual respect and cooperation. It is imperative that the SLA contains the minimum standard levels of service required by the DHMH procuring unit. Negotiation will continue with the prospective contractor until the SLA meets the needs of the Department.